

**PLAINTIFF'S MOTION
EXHIBIT 10**

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2 A. I told him that based on the
3 scenario of those kids violating laws,
4 sitting on the front of that person's step
5 and that further inquiries should be made.

6 Q. You listened to that recording
7 within the past month, right?

8 A. Yes, yes.

9 Q. Did you also review a transcript
10 of that recording?

11 A. I don't remember.

12 Q. The conversation that you had
13 with Schoolcraft in March of 2009, the one
14 that was recorded, the one we were just
15 talking about, that came about because
16 Schoolcraft got on the radio and asked for
17 a Duty Captain; is that right?

18 A. Correct.

19 Q. Who was the Duty Captain that
20 day?

21 A. I was.

22 Q. Who assigned you the function of
23 being Duty Captain for that day?

24 A. There was a girl Police Officer
25 who makes the schedule for Captains and

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2 writing, fax, email, some other way?

3 A. They were given orally, then they
4 were written down on a formatted page and,
5 you know, they went to the appropriate
6 people. I don't know how they got
7 distributed.

8 Q. That format page was for the day?

9 A. For the week.

10 Q. For the week?

11 A. Yeah.

12 MR. SMITH: I call for the
13 production of the formatted pages for
14 the weeks that are contained within
15 March of 2009 and October of 2009.

16 MS. METTHAM: Put the request
17 in writing, we will take it under
18 advisement.

19 Q. So on the day that Schoolcraft
20 was complaining to you about Caughey's,
21 from his perspective, retaliation against
22 him, you were the Duty Captain that day?

23 A. From what I remember, yes.

24 Q. How did you become aware of the
25 fact that Schoolcraft was requesting the

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2 Duty Captain to come to his footpost?

3 A. I was listening to my radio, the
4 police radio, not paying full attention to
5 it but I thought that I heard that request
6 but I wasn't one hundred percent sure that
7 I was hearing what I was hearing. And then
8 I don't know how much time goes by, the
9 Desk Officer, at the time, comes in to me
10 and stated that somebody is calling for the
11 Duty Captain over the air, which I thought
12 was kind of unusual. And then later I
13 found out that it was Adrian Schoolcraft.

14 Q. Why was it unusual for an officer
15 to be calling for the Duty Captain on the
16 radio?

17 A. Usually, you know, you go through
18 the rank before Captain got called
19 structurally, you know, Supervisor, a
20 Sergeant, a Lieutenant, if they deemed it
21 necessary for a Duty Captain to come to the
22 scene, they would be the ones to make that
23 decision and to make that call.

24 Q. It's almost like Schoolcraft was
25 going outside the chain of command by

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2 calling for the Duty Captain; is that
3 right?

4 A. Yeah. A little bit, yeah.

5 Q. The other Duty Captain candidates
6 for March of 2009, can you identify any of
7 them for me, who the other guys were that
8 you shared this function with?

9 A. I can't. I don't remember who
10 was there at that time. If they were even
11 in a Duty Chart.

12 Q. Were any your colleagues at the
13 81 in the Duty Chart in March 2009?

14 A. It would only be Captains in that
15 chart.

16 Q. So that's just you?

17 A. Just me in the 81, yeah.

18 Q. So the other ten to fourteen
19 Captains came from any one of the various
20 precincts in Brooklyn Patrol North, right?

21 A. Yes.

22 Q. After you heard and understood
23 that somebody out on footpost was calling
24 for the Duty Captain, what did you do?

25 A. When I found out who it was, I

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2 had -- I talked to the Supervisor and had
3 them bring in Schoolcraft to see what the
4 problem was.

5 Q. Who did you speak to; what
6 Supervisor?

7 A. I'm not one hundred percent. It
8 might have been Sergeant Stukes.

9 Q. Why didn't you go out to the
10 footpost?

11 MS. METTHAM: Objection.

12 A. Just by choice I had him come in.

13 Q. What are the duties of a Duty
14 Captain?

15 MS. METTHAM: Objection.

16 A. Basically they would provide a
17 supervision in the rank of Captain to those
18 commands that don't have a Captain working,
19 Captain or above, I should say,
20 essentially, if there was a precinct that
21 was without a Captain, whether he may be
22 off for that night or on vacation and that
23 particular precinct may need a Captain to
24 respond. That would be my role -- my role
25 as well as a whole varied other supervisory

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2 refers to?

3 MS. METTHAM: Objection. You
4 can answer.

5 A. I don't think so.

6 Q. Did you ever witness any
7 downgrading or improper classifications
8 going on at the 81?

9 MS. METTHAM: Objection. You
10 can answer.

11 A. No.

12 Q. Were there any numerical quotas
13 imposed on the Police Officers at the 81?

14 MS. METTHAM: Objection. You
15 can answer.

16 A. No.

17 Q. Can you tell me the first time
18 that you learned or suspected that there
19 was a Quad Investigation of the 81?

20 MS. METTHAM: Objection. Asked
21 and answered. You can answer again.

22 MR. KRETZ: Objection.

23 A. I can't say what time or what
24 date I learned of it.

25 Q. Can you tell me when you first

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suspected that there was a Quad
Investigation going on?

MS. METTHAM: Objection.

A. Sometime in the summer of 2009.

Q. What triggered that suspicion on
your part?

A. The request for a couple hundred
Complaint Reports.

Q. Who made that request?

A. I don't know who it was.

Q. How did you learn about the
request?

A. Through conversations with
Inspector Mauriello.

Q. He told you or you told him?

A. He brought it up. He knew that
it was from -- what I could remember, he
knew they were pulled.

Q. When did you first learn that
Schoolcraft was recording members of the
service?

A. Well, I had some idea on the
night of October 31st when we saw the
recording device.

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2 Q. Did you have any idea that he was
3 recording members of the service before
4 that?

5 A. No.

6 Q. Did you ever have any discussion
7 with anybody about the fact that
8 Schoolcraft was recording members of the
9 services before October 31, 2009?

10 A. Again, it was overheard in
11 conversations that there was speculation of
12 people recording.

13 Q. I want to know about speculations
14 about Schoolcraft recording, when were
15 those speculations going on?

16 A. I can't say, specifically, when
17 but it was just throughout the year.

18 Q. Throughout 2009?

19 A. Throughout 2009.

20 Q. Did anybody ever confront him
21 about that?

22 A. I don't know.

23 MS. METTHAM: Objection. You
24 can answer.

25 Q. When did you first learn that

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2 second entry in the apartment."

3

4 There came a time when Chief
5 Marino said that Schoolcraft was an EDP,
6 right?

6

A. Yes, at a certain point.

7

8 Q. That was the determination by
9 Chief Marino without the input of anybody
10 from EMT; is that correct?

10

A. He used the input of the EMT's.

11

12 Q. Were they there when he made that
13 decision?

13

A. They were there.

14

15 Q. They concurred with that
16 decision?

16

MS. METTHAM: Objection.

17

A. I don't know.

18

19 Q. It appeared to you that they
20 acquiesced that decision?

20

MS. METTHAM: Objection.

21

22 A. I didn't hear anything from them
23 saying otherwise.

23

24 Q. There came a time when
25 Schoolcraft was, physically, restrained and
cuffed, right?

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2 A. Yes.

3 Q. You aided Brooklyn North
4 Investigators in doing that, correct?

5 A. Yes.

6 Q. You got on your knees and put
7 your hands on his legs and held him down,
8 correct?

9 A. Correct.

10 Q. Who were the individuals that
11 grabbed Schoolcraft and put him on the
12 floor?

13 MS. METTHAM: Objection.

14 A. There was some members of
15 Brooklyn North Investigation. I don't know
16 exactly what part they played in either
17 grabbing Schoolcraft or putting him on the
18 floor.

19 Q. Who were the individuals from
20 Brooklyn North Investigation?

21 A. Their names, I can only remember
22 Hawkins, Gough, I can't remember the other.

23 Q. Did you know them? Is this the
24 first time you ever --

25 A. I knew them.